With regard to the rejection of claim 1, anticipation requires a single prior art reference that discloses each element of the claim. W.L. Gore & Associates v. Garlock, Inc., 220 UPSQ 303, 313 (Fed. Cir. 1983) *cert. denied* 469 U.S. 851 (1984). For a reference to anticipate a claim, "[t]here must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention." Scripps Clinic & Research Foundation v. Genentech Inc., 18 USPQ2d 1001, 1010 (Fed. Cir. 1991). It is respectfully submitted that the rejection of claim 1 as anticipated by Panissidi is improper.

Claim 1 recites a flow control valve connected in the main duct downstream of a motor that is adapted for starting and stopping the motor and flow control for providing a substantially constant flow rate of hydraulic fluid through the motor under varying loading. It is respectfully suggested that Panissidi fails to disclose such a valve.

In rejecting claim 1, the Office Action refers to control valve 40 of Panissidi for the valve of claim 1. However, the control valve 40 of Panissidi fails to provide a substantially constant flow rate of hydraulic fluid through the motor. Instead, the flow of hydraulic fluid through the motor 22 of Panissidi varies depending upon the rotation of cam 60 and the location of piston 62 in metering valve 61. Rotation of cam 60 one revolution results in the piston 44 of control valve 40 moving from a first position to provide fluid flow from duct 43 to duct 46, back to a neutral position, then to a second position to provide fluid from duct 43 to duct 48. (Panissidi, Col. 4, lines 29-36). Panissidi teaches that duct 43 is adapted to be completely closed by piston 44, when in

the neutral position, to stop rotation of the hydraulic motor 22. (Panissidi, Col. 2, lines 69-72). Thus, during movement of piston 44 of control valve 40, the flow of fluid through the motor 22 varies from zero (the motor being stopped in the neutral position) to a maximum amount of flow at each radii of the cam and back to zero as the piston travels back to the neutral position. Unless otherwise limited by the piston 62 in the metering valve 61, the flow of fluid through the motor 22 and through control valve 40 varies proportionally with the distance of piston 44 from the neutral position. Piston 62 of the metering valve 61 only acts to limit the flow of fluid when located against a stop 70 or 71.

As Panissidi fails to disclose a flow control valve for providing a substantially constant flow rate of hydraulic fluid through the motor under varying loading, it is respectfully suggested that the rejection of claim 1 is improper and should be withdrawn. Therefore, allowance of claim 1 is respectfully requested.

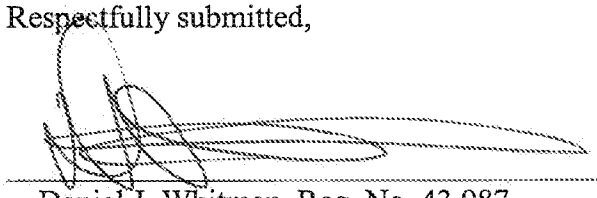
Claims 6 and 8 depend from claim 1 and are allowable for at least the same reasons as claim 1. Therefore, allowance of claims 6 and 8 are respectfully requested.

Claim 9 patentably defines over Panissidi for reasons as claim 1. Claim 11 depends from claim 9. Therefore, allowance of claims 9 and 11 are respectfully requested.

In view of the foregoing, it is respectfully submitted that the above-identified patent application is in condition for allowance, and prompt notice to that effect is respectfully requested.

Should the Examiner wish to discuss any of the foregoing in more detail, the undersigned attorney would welcome a telephone call.

Respectfully submitted,



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